

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

P J COTTER,

Plaintiff,

v.

U.S. BANK, N.A. AS TRUSTEE FOR
GREENPOINT MORTGAGE
FUNDING TRUST MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2006-AR4; OCWEN LOAN
SERVICING, LLC; and TROTT LAW,
P.C.,

Defendants.

Case No. 16-13080

Honorable Sean F. Cox

Magistrate Judge Anthony P. Patti

FILED

OCT 11 P 1:28

U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

**PLAINTIFF'S MOTION IN OPPOSITION TO
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE
AND OCWEN LOAN SERVICING, LLC'S MOTION TO DISMISS**

Plaintiff, P J Cotter, ("Cotter") respectfully asks the court to not grant the Defendants' motion to dismiss in whole or any individual counts.

If the court finds Cotter's Complaint is deficient, it should find that the allegations contained within a cause of action support its other causes of action and permit him to correct and amend its Complaint under Fed. R. Civ. P. 15(a)(2).

In support of this motion, plaintiff relies upon the attached memorandum of points and authorities.

Please Note: Cotter reserves the right to motion the court for leave to amend his initial Complaint sometime after the Defendants amend or supplement their Motion to Dismiss to address Cotter's Count 6 - Wrongful Foreclosure.

Respectfully submitted,

By: 

P J Cotter, Pro se
PO Box 131
Anchorville, MI 48004
810-459-6972
pocmich@yahoo.com

Date: October 11, 2016

CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2016, I filed a hardcopy of the foregoing document with the Clerk of the Court, which will send notification of such filing to all registered recipients, and upon the following by first-class United States mail, with postage prepaid:

Nasseem S. Ramin
DYKEMA GOSSETT PLLC
400 Renaissance Center, 37th Floor
Detroit, MI 48243

Paul J. Santi
TROTT LAW, P.C.
31440 Northwestern Hwy
Suite 200
Farmington Hills, MI 48334

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DECLARATION OF P J COTTER IN SUPPORT OF HIS
MOTION IN OPPOSITION TO
U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE
AND OCWEN LOAN SERVICING, LLC'S MOTION TO DISMISS

I, P J Cotter, declare:

1. That I am the Plaintiff in this action. I am over the age of 18 years. I have personal knowledge of the facts contained in this declaration, and if called upon to testify I could and would testify competently as to the truth of the facts stated herein.

2. I make this Declaration in support of my ***Motion in Opposition to U.S. Bank National Association, as Trustee and Ocwen Loan Servicing, LLC's Motion to Dismiss*** and Brief in Support.
3. In their Motion to Dismiss the Defendants stated, "*In accordance with LR 7.1(a), undersigned counsel attempted to conduct a conference to seek concurrence in the relief sought, but despite reasonable efforts, such a conference did not occur.*" (Doc # 5 at 1, ¶ 2.)
4. I am not aware of any efforts by Defendants' Counsel to arrange or conduct said LR 7.1(a) conference.

I declare under penalty of perjury under the laws of the State of Michigan that the foregoing is true and correct and that this Declaration is executed on October 11, 2016, at the County of Saint Clair Michigan.

Respectfully submitted,

By: 

P J Cotter, Pro se
PO Box 131
Anchorville, MI 48004
810-459-6972
pocmich@yahoo.com

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Email: psanti@trottlaw.com